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LiveHelp - Helping People Find Information Online

Introduction

In 2004 Montana Legal Services Association (MLSA), Iowa Legal Aid (ILA), and Pro Bono Net (PBN) received an LSC Technology Initiative Grant (LSC TIG) to support the LiveHelp Pilot Project, which allows MontanaLawHelp.org and IowaLegalAid.org Web site visitors to ask remotely-located Web Site Specialists for help finding online legal information and resources. MLSA, ILA, PBN, the Georgia Legal Services Program and its State Bar of Georgia Pro Bono Project received 2006 TIG funding in order to support a focused expansion of the LiveHelp initiative in three areas that have high-impact potential to increase access to justice: 1) use LiveHelp to support and expand pro bono participation in Georgia; 2) integrate LiveHelp with document assembly in Montana; and 3) test a cross-jurisdictional approach to delivering LiveHelp assistance that builds a national network to help clients in times of crisis. In addition, with implementation support from PBN, LiveHelp pilot projects are under development on the Louisiana and Arkansas public legal information Web sites, LawHelp.org/LA and ArkansasLegalServices.org.

The LiveHelp pilot projects found that LiveHelp is ideally structured for a range of replication possibilities, including in court contexts. The following article provides an overview of LiveHelp, summarizes the findings of the LiveHelp pilot project evaluation report, and presents a preliminary analysis of several potential applications of LiveHelp in court environments and related implementation considerations. This article also looks at two possible collaborative models to delivering LiveHelp services.

Project Background

LiveHelp is a tool that helps those not fully familiar with legal information on the Web find that information. Implemented with LivePerson Pro software (<http://www.liveperson.com>), the feature currently allows Web site visitors to click a button, connect with a trained Specialist, and ask for information about a legal problem. The Specialist then provides the visitor with a link to the appropriate information or escorts the visitor to relevant resources on that or other sites, including legal aid contact information, court information and pro se assistance online or in court-based centers. This communication is done through instant messaging, also known as chatting. If no Specialist is available, the visitor can choose to leave a message and receive the information in an e-mail. No attorney-client relationship is developed and the Specialist does not need to be a lawyer. There is no promise of confidentiality. (For more information about how LiveHelp works, see Appendix A, LiveHelp FAQ.)

The LiveHelp feature was fully launched on both IowaLegalAid.org and MontanaLawHelp.org, the statewide LSC-funded access to justice websites, on June 1, 2006. At that time an ongoing marketing and outreach campaign was also put in place. MLSA currently operates the project with ten Web Site Specialists, each of whom monitors requests for help on MontanaLawHelp.org for approximately four hours per week. ILA operates the project with five Web Site Specialists, who all together monitor IowaLegalAid.org's help requests for approximately thirty hours per week.

Both MLSA and ILA have existing connections with state court systems around LiveHelp or other access to justice projects. The Montana Supreme Court Equal Justice Task Force is a stakeholder on the MontanaLawHelp.org project and actively participates in the website's direction. Iowa Legal Aid works with staff from the judicial branch in connection with ILA's Pro Se project. In 2008, ILA will be developing a pro se HotDocs and legal assessment tool, which will involve a collaboration with the judicial branch and the Iowa State Bar Association.

LiveHelp Pilot Project Evaluation Results

The comprehensive evaluation of the LiveHelp Pilot Project included six significant sources of information: Web site and LiveHelp users; Web site Specialist and manager interviews; Specialist surveys; review of chat transcripts; user experience observation and review; and user phone interviews.

The evaluation found that the new service is growing rapidly, has high satisfaction levels, seems to more effectively provide useful information about the law and legal rights to users, and reaches effectively into the legal aid target community. It is particularly significant that, compared to users who use just the Web site, LiveHelp users have significantly higher satisfaction levels. They understand and accept the limitations upon the assistance that can be given. It is also significant that Web site users and LiveHelp users have approximately the same user demographics.

A summary of the final evaluation conclusions follows. The full evaluation report can be accessed in LSTech Resource Center on LSNTAP.org.

Conclusion One: Low-income users are opting to use LiveHelp in increasing numbers. The overall profiles of legal aid Web site and LiveHelp users with respect to their income levels, educational levels, prior legal aid experience, and gender are generally similar, subject to certain caveats. The LiveHelp service appears particularly appealing to those who have not visited the legal aid Web site before, those seeking information rather than referral, those referred by search engines, those facing family law issues, and those who are younger.

Conclusion Two: LiveHelp significantly increases both the extent to which visitors are able to find the information and the speed with which they are able to do so. However,

there remains a significant need for better content on the Web sites to improve results for those using only the Web site as well as those using LiveHelp and the Web site.

Conclusion Three: LiveHelp seems to significantly increase users' understanding of their legal needs and of what needs to be done to solve their problems. Additionally, LiveHelp also seems to increase users' confidence in their ability to follow through and resolve their problems.

Conclusion Four: LiveHelp users appear to be more effectively informed about their legal rights.

Conclusion Five: Overall, LiveHelp users are very highly satisfied with their LiveHelp experiences; however, there is room for improvement.

Conclusion Six: Current Web site Specialist satisfaction levels are reasonable but not exceptional. The major reason appears to be the currently low volume of chats, which is now changing.

Conclusion Seven: Because of the currently low volume of chats and the limited amount of high quality relevant content, more full time staff are being used to provide services than originally anticipated. At least in the early stages of operations, Specialists require a significant level of training and knowledge.

Conclusion Eight: The LiveHelp Project seems ideally structured for integration into legal aid programs, access-to-justice organizations, and other public-, volunteer-, and client-service entities.

Conclusion Nine: LiveHelp users are clearly more satisfied than those who use only the Web site.

The only notes of caution are that, while volume of use is growing rapidly, at the current volume it is hard to estimate what costs will be at high volume. At this point in the experiment, Specialist services are being provided by staff and AmeriCorps*VISTA members. It is hoped that this will change as the experiment matures and new service delivery and staffing models become more realistic.

Preliminary Replication Analysis in Court Environments

One of the long term purposes of the Montana and Iowa pilot has been to assess the broader potential of this technology to serve low-income populations in legal need. In the long term the question is not only whether LiveHelp might be helpful in existing service components, but also whether it might make previously impracticable service ideas more realistic for use by a broad range of users and, therefore, appropriate for investment.

Below are preliminary analyses of several applications of LiveHelp in court environments and two possible collaborative models to delivering LiveHelp services.

Court-Based Information Services

Potential

Courts are transforming themselves into access-to-justice institutions. They are coming to judge themselves not by the speed by which they decide cases but by the extent to which they are meeting the access-to-justice needs of their populations. As such, they are coming to realize that they need to provide information and assistance and to deploy technologies in support. Many now provide comprehensive informational Web sites and operate self-help centers.

For these informational services, the potential of the LiveHelp technology is very great, since the task it would fulfill is very similar to that it performs with legal aid sites.

Considerations

- Court sites, as with legal aid information finding support services, do not have an attorney-client relationship with the user and remind users that they could also provide information to the other side. The pilots are showing that this is viable.
- The potential volume is huge. California has millions of visitors a year to its informational site. Far more than legal aid, a system could easily be swamped.
- Multi-lingual issues are huge for courts. While the California courts have a nine hundred page informational site that has been completely translated into Spanish, there is no way that the site can practically be translated into all the languages of need.
- Courts are also experiencing technology usage barriers and limits and the fear that directing users to technology is directing them to dead ends.
- Legal aid and court informational processes are already working closely together.

Tentative Conclusions

This service could be of great help to the courts and provide an opportunity for courts and legal aid programs to partner.

Questions Needing Exploration

- Would a court ramp up of service be more significant than a legal aid one?
- Could support for informational services be operated jointly for legal aid and court sites without violating neutrality concerns?

Self-Help Centers

Potential

Self-help centers are a key component in the access-to-justice strategies of most states and courts. As such, they are deploying technology in a variety of ways, including Web sites, document assembly, and video linking. Some, such as Alaska, are moving to completely virtual operations in which all contacts with litigants are by phone, e-mail or other technologies. The fear, however, is that these technology systems may be excluding

some users from access (although the phone service availability option minimizes this risk). The LiveHelp technology can potentially help address this fear.

Considerations

- The LiveHelp technology is good at binding together a wide variety of technology tools.
- This is significant since the centers offer many different self-represented litigant services, many supported by technology.
- The centers have to be particularly careful to maintain judicial neutrality.
- More and more, center assistance includes review of individual files, and techniques would need to be developed to deal with privacy and security issues.

Tentative Conclusions

This is an important area for potential use. Collaboration with courts offers many opportunities for integration of services and for cost effectiveness.

Questions Needing Exploration

- Can services be operated in cooperation with legal aid programs without raising neutrality issues?
- Can services be operated with discussion of matters in files without raising privacy and security problems?

E-Filing Support

Potential

Electronic filing has been shown to promote major advances in access to justice if it is easy to use. A LiveHelp component could be a major addition to ensuring accessibility, both for form preparation and the electronic filing and control portions. It could also help remove any perception that electronic filing was putting up additional barriers to access.

Considerations

- Electronic filing systems are built in many different software environments, although a relatively small number of private sector vendors are making efforts to dominate the market.
- Many of the systems, at least those targeted at lawyers, require the use of particular plug-ins or software, such as PDF.
- Extensive help systems are needed.
- The assistance that would be needed would include both the legal substance and the use of what is often a somewhat complex technology. LiveHelp operators would have to be comfortable with this.
- Courts are really interested in pushing users to electronic filing, and this might make it much easier to do so.
- Support for electronic filing would appear logically to be best provided by the courts but might be provided by other agencies, possibly under contract.

Tentative Conclusions

Support for electronic filing will be complicated to set up but will pay significant dividends in access to justice.

Questions Needing Exploration

- Will there be problems with integrating the technologies?
- Who would best provide the support?

Court-Based Document Assembly

Potential

Courts are moving forward, often in cooperation with legal aid programs, to deploy document assembly systems that provide substantial help to litigants in preparing their pleadings. Courts will need to maximize the assistance they give to litigants in the use of this technology, and LiveHelp is likely to do so.

Considerations

- This is an area in which litigants are likely to ask more “advice” questions and in which the litigants may indeed need to know the answers before they can move to the next software screen.
- Training in permissible and impermissible responses and in how to be as helpful as possible within these constraints will be crucial.
- There may be advantages in subcontracting out assistance to outside organizations.
- Rule 6.5 will be of assistance in permitting attorney level assistance without conflict problems.
- This may be an ideal area for pro bono or minimal level unbundled assistance.

Tentative Conclusions

Support for court document assembly would appear to be an ideal use of the technology, subject to training and ethics requirements.

Questions Needing Exploration

- How do the ethical and neutrality constraints play out in the court document assembly context?
- What support systems and structures are most appropriate?

Litigant Online Calendar and Docket Checking

Potential

Many courts now offer calendar and docket checking online. Often this is deployed in association with electronic filing. To the extent that all court users can access these systems, courts will more fully reap the efficiencies that these investments can bring. Thus a LiveHelp implementation aimed at helping litigants navigate a court’s online calendar and docket could have value for both the courts and litigants.

Considerations

- Since certain of these systems are open only to those with accounts and since sometimes

data is only available to those with rights to that data, there are significant security and privacy issues that have to be addressed.

- This assistance is just in the technology area, so “legal advice” issues are not likely to come up. However, litigants may be at dead ends in the processing of cases, and the connection to a live operator might make it easier to get the cases moving again.

Tentative Conclusions

The technology may well have significant benefit in this area.

Questions Needing Exploration

- What is the relationship to case-moving help and the case management challenge?
- What is the technology relationship issue for LiveHelp and calendaring and case management software?

Hearing Preparation Assistance

Potential

One of the major gaps in the overall package of services that self-represented litigants need is in preparation for the court hearing itself. Such assistance might include a diagnostic component, an informational component on the law and procedure, a document assembly component that assisted in the development of draft outlines of evidence, and exposure to scripts and video of similar situations

While courts and legal aid programs are still very early in the process of developing the technology-based versions of this assistance and indeed are too early in developing any such assistance, it is clear that providing an individualized assistance component can only strengthen any such program.

Considerations

- The assistance that users might seek would probably include a broad range from using the technology to how to answer questions the technology asks to advice on how to deal with particular issues in court.
- Training would be very important, both to prepare operators for this substance and for drawing the lines as to what help is given most appropriately.
- The nature of the assistance the service can provide will depend on the methodology of the underlying assistance.

Tentative Conclusions

While deployment awaits design of underlying programs, consideration should be given to promoting the integration of LiveHelp into such projects and indeed into whether LiveHelp might make sure projects more viable.

Questions Needing Exploration

- What would such programs actually look like, and how would the service support them?

Public Legal Information Consortium

Potential

The idea has been suggested that legal information providers such as legal aid programs, law libraries and public libraries could take a collaborative approach to providing public legal information LiveHelp services. In such a consortium, LiveHelp services might be shared or focused with capacity to browse throughout a mix of sites and online materials.

Considerations

- The usual division of labor and management issues would have to be worked out.
- There might be issues with different institutional roles.

Tentative Conclusions

This seems like an area worthy of exploration in areas in which there is already good public legal information cooperation.

Questions Needing Exploration

- How would labor be divided?
- How would projects be managed?

Binding Together the Full Range of Access-to-Justice Web Sites with a Single, Integrated Support Service

Potential

More ambitiously, perhaps one of the greatest potentials of LiveHelp, would be to act as an integrator of the different online services available to assist with access to justice. If the software supported navigation through all of a state's such sites and if the operators were trained to send users to the material most appropriate to their situation without regard to its location, much of the long-term integration goal might be achieved.

Considerations

- Different sites might need and want different kinds of support.
- Different sites might have different neutrality requirements.
- The project would run into all the usual collaboration problems.

Tentative Conclusions

This could be a transformative use of the technology.

Questions Needing Exploration

- Who would support the overall assistance program?
- How would the overall assistance program be managed and structured?

Overall Replication Value and Feasibility

The LiveHelp replication study found no “deal-breaker” barriers to implementation of LiveHelp into the pilot legal aid environments. The LiveHelp ASP software, LivePerson, can easily be integrated with access to justice Web sites. The number of LiveHelp “seats”

(LivePerson licenses) can be increased or reduced at any time, allowing flexibility to conduct short-term replication tests. The LivePerson software is also highly flexible with respect to the geographic location in which it is deployed and offers several features which support behind-the-scenes coupling and sharing of system content such as canned messages and user surveys, making it easier for LiveHelp initiatives to get underway and supporting quality assurance across the system.

However, as with other technology innovations, LiveHelp requires an investment of time and resources by the host program. The main considerations for replication that have emerged are:

- Marketing and outreach to build up volume of use;
- Comprehensiveness of Web site materials;
- Need for development of preconfigured responses to speed the operation of the service, increase the confidence of Specialists, and feed back into the overall quality of the underlying Web site;
- Training and support for Web Site Specialists on non-technical issues, such as the appropriate role of online Specialists; and
- Project management support for policy development and compliance, and for supervision of Specialists.

Support for LiveHelp Specialist training and content development is especially important. The pilot evaluation found that, “As Specialists become more expert, and as additional Web content and canned chats are added, the percentage of users receiving focused assistance becomes significantly higher” (*LiveHelp Pilot Project Final Evaluation*, p. 24.). This finding highlights the need for quality training and systems of quality review, particularly when new Specialists start, and for ongoing development of new materials that feed into LiveHelp and the access-to-justice Web site.

Montana Legal Services Association, Iowa Legal Aid and Pro Bono Net have already developed significant infrastructure and expertise in these areas, and are in the process of sharing that with the community at large. In addition, Pro Bono Net is currently building centralized capacity to support new LiveHelp replication initiatives, including the development of an implementation toolkit, project management resources, and guidance on integration with existing service delivery systems.

Conclusion

It appears that LiveHelp has every potential to add an important new component into the continuum of service in court environments and beyond. Perhaps most promising is the potential identified for LiveHelp to bind together the full range of access-to-justice Web sites with a single integrated support service. A nationally deployed LiveHelp capacity will mean that a significant number of people who would otherwise not get the service they need will be achieving access to justice. The access-to-justice community should start the planning process to take the greatest advantage of these possibilities.

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Appendix A:

- How Does LiveHelp Work?